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Election Proclamation
by the
Governor
Idaho Territory.

Executive Department
Idaho Territory.

Whereas By an Act of the General Congress of the United States approved March 3rd 1869 regulating elections in the Territories of Washington and Idaho for Delegate to Congress and such other officers as are to be elected at the same time in said Territory of Idaho.

Now therefore I E. J. Curtis Acting Governor of the Territory of Idaho in accordance with the foregoing provisions of law proclaim a General Election on the first Monday being the sixth day of June A. D. 1870 to be held at the proper places of voting in all the Counties of said Territory. The several districts will vote for a Delegate to the Congress of the United States and will elect Members of the Legislative Council and Members of the House of Representatives for the term as follows:

Ada County: One member of the Council for the term of three years, and four members of the

House of Representatives for the term of two years.

Alturas County. One member of the Council for the term of four years, and two members of the House of Representatives for the term of two years.

Boise County. Two members of the Council for the term of four years and eight Members of the House of Representatives for the term of two years.

Idaho County. One member of the Council for the term of four years and two members of the House of Representatives for the term of two years.

Lemhi County. One member of the Council for the term of four years and one member of the House of Representatives for the term of two years.

Nez Perce County. Five Members of the House of Representatives for the term of two years.

Owyhee County. One member of the Council for the term of four years and one member of the Council to fill vacancy occasioned by the resignation of Hon. Francis E. Ensign for the term of two years and five members of the House of Representatives for the term of two years.

Oneida County. One Member of the Council for the term of four years and one member of the house of Representatives for the term of two years.

Shoshone County. One member of the House of Representatives for the term of two years.

In testimony whereof I have hereunto set my hand and caused

the seal of the Territory to be
affixed.
Done at Boise City this
Fifth Day of May
Anno Domini
1870.

L.S.

E. J. Curtis
Secretary and Acting
Governor
of
Idaho Territory.

Executive Department.

Territory of Idaho.

By the Acting Governor.

A Proclamation

Appointing a day of Public Thanks Giving and Prayer.

Whereas: Another year of labor and reward, of health, of prosperity and of generous harvests approaches its termination.

During its continuance pestilence has not been among us, nor has civil discord disturbed the onward and peaceful career of the Nation.

A just and enlightened Administration in doing everything within its power to lighten the burden of taxation on our people while at the same time the Honor and Integrity of the Republic are fully maintained.

Life and property are protected in every portion of the country and the laws fairly and impartially enforced and executed.

For these and Kindred Blessings bestowed upon us by a Gracious and Allwise Providence, a favored people should make manifest their gratitude and give thanks to Almighty God for the bounty of the Past, and the continuance of like favors in the future.

Therefore in accordance with the Recommendations of the President of the United States I do hereby appoint

Thursday the 24th day of

November

as a day of Thanksgiving and Prayer. And I do most earnestly recommend that the people of the Territory of Idaho do meet on that day in their usual places of Worship and acknowledge their great Obligations to the Giver of Light and Life and return devout thanks to the Ruler of Nations and Supplicate for a Continuance of his Blessings.

In Testimony whereof I have hereunto set my hand and caused to be affixed the Seal of the Territory of Idaho.

Done at Boise city this third day of November A.D. 1870. and of the Independence of the United States the Ninety fifth.

L.S. E. J. Curtis.
Secretary and Acting Governor of Idaho Ty.

Communication from Sheriff of Boise County

Idaho City
Nov 15th 187

To His Excellency
E J Curtis
Acting Governor
Idaho

Sir

The following prisoners this day made their escape from the Terr Prison. to wit:
Ed Stock. Jas O'Brien. John Dillon.
Wm Wilson. John Lamb & Jas Corley. Ah Foon Tun Buck. Ah Yet. and Ah Ching with two County Prisoners.

You will please place at my disposal such assistance as may be necessary for their recapture or by order from you for U.S. Soldiers to cooperate with me in said case

Y O S
H B Bystlew
S.

Requisition on foregoing Com.

Executive Office I.T.
Nov 16th A.D. 1871.

Col Jas P. Sinclair,
Comdg Fort Boise

Whereas
The Sheriff of Boise County and Territorial Prison Keeper of Idaho, by an Official Report to this Office under date November 15th Inst.

Shows that twelve Prisoners made their escape from the Territorial Prison on the Night of the 13th Inst and that they are supposed to be in the mountains within a few Miles of said Prison;

It is further represented to me that no sufficient Number of Citizens can be had to pursue and Capture the said Convicts, who are said to be well armed with guns & pistols.

To protect the lives and property of our people and to secure the Capture of the prisoners, I have the honor to request that you furnish a sufficient Number of Troops from Your Post to aid the Sheriff in his Efforts to apprehend the Escapes.

Yours Truly
E. J. Curtis
Acting Gov I.T.

Biennial Message of the Governor of Idaho. Sixth Session of the Legislature of Idaho

Gentlemen of the Council and
House of Representatives:

I had hoped that Hon Gilman Marston the distinguished Gentleman holding the appointment of Governor of Idaho Territory, would be here in time to prepare and send in his message, but he having failed to arrive, I reluctantly yield to the pressure of custom, and must therefore take the risk of meeting your expectations in what I have to communicate at this time.

Finance

The financial condition of the Territory should receive your very careful consideration. By a hasty examination of the Territorial Treasurers biennial report of date November 20th A.D. 1870, I find a noticeable deficiency in the receipts of that Office, showing a falling off in the fiscal year of $24,618.23; also an increase of indebtedness of $27,120.95, which will be observed in comparing the totals of Treasurers report for the two years last past. The bonded debt should receive careful attention, and the necessary means be provided to meet the semi annual interest, and also look to its redemption when the term of issue shall expire. As the good faith of the Territory is pledged in this matter, you will doubtless in your wisdom provide the means to keep the credit of the Territory, as it now is unimpaired.

The funding of the public indebtedness of the territory and Counties is in my opinion a proper subject for your consideration. The system has worked well the past, and I see no reason why it should not prove equally successful in the future, if properly guarded and directed.

I call your attention to the accumulation of the debt for maintaining the Territorial prison and the insufficiency of revenue apportioned to meet the Current expenses of the same

Mining

Within the last two years, the mining industry of our Territory have fluctuated considerably.

In some portions of Idaho the field for mining operations has greatly expanded, by our developments and discoveries while in other sections the yield of Gold has slightly diminished. This branch of industry nevertheless, will in the future, as it has in the past, Continue to bring its ample rewards, and full remunerate those who pursue it as a business, and conduct their operations on a proper and systematic basis. From the official report of R. W. Raymond Esq, United States Commissioner of Mining Statistics for the year 1876, embracing the Pacific States and Territories, together with Montana Colorado, Wyoming New Mexico and Arizona. Idaho Stands fourth in the list in the production of the precious metals — as follows California, twenty Millions; Nevada fourteen Millions; Montana twelve Millions; and Idaho Seven Millions; The new placer mines in Lemhi County and on Snake River in Ada and Owyhee Counties recently discovered will add much to the gold product of the Coming year; but the most profitable, as well as the most permanent source of our mineral wealth will undoubtedly be found in the quartz regions of our Territory. The extent and richness of the quartz mines of Owyhee Alturas and the Boise Basin, as well as the new discoveries and developments in Northern Idaho, will ere long attract hither capital, with the necessary skill and energy required to apply it in the reductions of the ores from these mines. In view therefore, of the important interests involved in quartz mining, and the actual capital demanded to open and work this class of mines, it should be your care to examine the laws now in force upon this subject and correct by proper legislation and defects or omissions that may be found in the existing law, touching the rights of labor and capital engaged in this field of Enterprise.

Special Legislation

The system of Special Legislation should be abandoned; it is wrong in principle as well as in practice. The theory was conceived and put into practical effect to advance personal schemes, and for the purpose of securing local advantages at the expense of the general good. The results of the last twenty years special legislation on this coast proves that the rights and interests of the many have, in nearly all cases, been sacrificed to a greater or less extent to subserve the interests of the few. Nothing tends so much to strengthen the public will, harmonize the sentiment of the people, stimulate the channels of trade, inspire the confidence of the tax payer and secure that substantial and steady progress as uniform and general laws. Justice to our whole people demand that this species of pernicious legislation should be ignored in the future. The idea of exempting counties and localities from the provisions of a law intended to be general in its character, carries on its face unfairness, and must have had its origin in the plundering spirit of local politicians for purposes of self aggrandizement.

Retrenchment and Reform

As the Representatives of the people of Idaho you are expected to fearlessly and impartially execute the important trust reposed in your hands and discharge those high and responsible duties for which the law has called you together as a law-making body. It remains to be seen whether a subserviency to party, a slavish obedience under the lash of partizan drill, or the more elevated purpose and regard for the rights, honor and general interest of the people and the Territory without distinction shall govern your action. I am free to confess that I have the utmost confidence in your wisdom and integrity and I indulge the hope that the Sixth Session of the Legislative Assembly of Idaho will leave a record honorable to themselves, subservient to the best interest and prosperity of the Territory, and one which will meet the full expectations of the people and secure their honest and hearty endorsement. Your own experience and knowledge of our Territorial affairs will guide you in this matter and teach you where to begin in the needed work of retrenchment and reform. The fee bills which were passed years ago during the flush times of Idaho rendered necessary by the condition of affairs at that time are still on our statute books and in force without abatement. It is for you to see what reduction can be made without doing injustice to the officers receiving these fees. The system of electing Boards of County Commissioners every year is both a useless and expensive one. I think a law providing for the election of Commissioners and fixing their term of office at two, four and six years so that one would have to be elected every two years would be an improvement; and I would suggest that a fixed salary to each member of the Board be provided for. If this course is adopted under a general law the business and duties required of them will be more effectually done, and at a much less cost than at present. The powers and duties of County Commissioners should be more restricted and more clearly defined. Wide discretionary powers in minor bodies, are always certain to produce discord and beget abuse; The enlarged powers they must necessarily exercise in the management of County affairs, call for rare business capacity, good judgment and honesty; qualities seldom demanded if their politics are right.

Revenue Act

The Revenue law should receive your earliest attention and care. The present law is in some respects complicated and is ambiguous in many of its provisions; these ambiguities should be corrected, and the law made more definite and certain. I call upon you in the name of the people whose interests you are assembled to advance and protect, to lighten the burden of taxation. This demand is made of you by an over-taxed community, whose voice should not be disregarded by your honorable body. If this is accomplished you will receive the sanction of public opinion, if it is not, you must expect to be held to strict account for its failure

Common Schools

The system of Common Schools, is one that should receive your careful attention. The present School law is an outrage upon an enlightened people. The cause of Education in every State and Territory on the Pacific Coast, save and except Idaho, is deemed to be a subject worthy of the most profound consideration; And it is to be hoped that some system will be provided whereby the Children may derive the advantages of free Schools. Liberal provisions should be made for the establishment of public Schools in every district. In order to secure this object a certain portion of the revenue of the Territory ample for such purpose should be set off and placed under the management of a judicious and competent Superintendent of public instruction for the whole Territory. Such an officer should receive a just and reasonable compensation, and should be compelled to devote his whole time to the interest and advancement of education. In many of the Counties and school districts where School Houses are built no Schools have been held during the present year; those structures stand empty, and in silent mockery, it might be said monuments of inadequate legislation. The rich and affluent can enjoy the privileges and secure the benefits of private Schools for their Children; but there are hundreds of poor children in our Territory, whose parents cannot afford to procure for them such blessings and they must, under the present harsh system remain idle and ignorant. Society in the end pays dearly for this neglect and unwise legislation. The report of the Superintendent of Public Instruction will show you the working and inequality of the present Law.

The Printed Laws

Upon coming into the Office of the Secretary of the Territory in June, 1869 I found that the Congressional appropriation for legislative expenses for that fiscal year had all been consumed and the laws and the journals of the Fifth Legislative Assembly had not been printed. At my urgent request Mr Reynolds the Territorial

Printer, undertook the printing of the laws of that session looking to a future appropriation for his pay. I was therefore able to distribute printed Copies of the laws in a few weeks afterward. I am unable to lay before the Legislative Assembly printed Copies of the Journals of the Fifth session for the reason that Congress neglected at its last session to appropriate any funds for that purpose. The Secretary of the Territory is prohibited by positive instructions from using any part of the appropriation of one fiscal year to defray the expenses of any other year; and the Journals therefore remain in the hands of the printer, awaiting the necessary appropriation for the work. I have called the attention of the Comptroller of the Treasury to this fact, and hope that Congress will not again overlook the deficiency

Public Surveys

The Surveys of the public lands in a newly settled country are matters of great moment to the people. Every person is more or less interested for the earlier titles are settled and the sooner the lands pass into the hands of Bona fide Settlers the more rapid will be the permanent improvements and the developement of Substantial Wealth

The Surveys have been executed to the full extent of the appropriation made by Congress; but these have been so small that the Surveyor General has been compelled to confine the Surveys to the older settled portions of the Territory thus leaving many of the more recently settled part of the Territory entirely beyond the limits of the Surveys, which unsurveyed district embraces some of the most fertile lands on the Pacific slope.

The Surveys have been heretofore confined to lands strictly agricultural, leaving the mineral lands unsurveyed in consequence of which persons holding valuable mining claims are at present unable to avail themselves of the benefits of the late acts of Congress providing for the sale of mineral lands; and as these lands are entirely in the mountain ranges, the expense of such surveys will be much greater than of the agricultural portion of this Territory. I would suggest that you memorialize Congress to appropriate not less than Thirty thousand dollars to be used exclusively for this branch of the surveys and at such augmentative rates as the Commissioner of the General Land Office deem sufficient.

In connection with the surveys of the public lands I would earnestly call your attention to the large settlements in the South eastern portion of the Territory. As a measure of justice to the people of the portion of Idaho as well as to the Territory, I would suggest that Congress be memorialized to make an appropriation of fifteen thousand dollars for surveying the South-eastern boundary line of Idaho—

Revision of the Laws

The laws of the Territory are contained in five volumes, many of which have from time to time been repealed or amended; and it has become a matter of much difficulty to ascertain what the law is in many cases; and in order to do so requires an examination at length of the whole of our Statutes, which is the more laborious from the fact that the laws of the first and second sessions have no sufficient indexes. Our laws should be in such a shape that it may be easily seen what the Statute is as to any given subject—

Our civil and criminal practice acts, as well as the act concerning crimes and punishments should be revised, and the whole of our statutes compiled.

It is one of the maxims of the law that every man is presumed to know the the laws, hence, it is important that our laws be placed in such condition that it will be at least possible to determine what the laws is.

It is in my view wholly impracticable and would result only in confusion to attempt a revision of our statutes during the present session. I therefore recommend that you provide for the appointment of a commission consisting of at least two persons learned and experienced in the law, for that purpose, to revise and codify the laws of the Territory.

Probate Practice Act

An act to regulate the settlement of the estates of deceased persons should be amended in many of its provisions. As the law now stands it is impossible to secure the administration of an estate where the amount is under two thousand dollars and save anything to those entitled to the proceeds on final distribution. The system and process is so tedious and expensive that the costs of of administration and the winding up of the business of an estate. Some short and summary process should be provided by law to avoid the unnecessary delay and expense of adjusting and settling up small estates.

Corporations.

The law concerning corporations should be amended in many particulars. The provision requiring that the articles of incorporation should be filed in the Secretary's office is good enough as far as it goes but the law should make it the duty of the corporation to have such articles of incorporation, recorded in a book kept for that purpose. And all Corporations doing business in this Territory under territorial law, should be compelled to make an annual statement of their affairs, showing the increase or diminution of their Capital Stock during the year, and the nature and character of the property held and operated by the Corporation which statement should be certified under oath by the board of trustees and filed in the office of the Territorial Secretary of Idaho.

Joint Stock Companies and associations doing business in our Territory should be required to file in the Secretary's Office a semi-annual statement of their business as far as it relates to their transactions in the Territory, and also a certificate by the managing agent of such joint stock company or association in Idaho showing the names of the persons their residence and their interest in such companies or associations and the same should be properly attested by the said agent and filed in the Territorial Secretary's Office. Bodies whose rights and privileges are so carefully guarded and encouraged by our laws should be known to our Citizens.

Monopolies.

I would suggest the repeal of all laws now upon our statute books, sustaining or even favoring monopolies of any character. The law imposing on the common carriers of passengers is one which should be repealed at once, While a few hundred dollars may be collected in this way from such sources, and placed in the Territorial Treasury, thousands are wrung from our people by way of extra fare for traveling and unreasonable rates are charged

for the transportation of freight.
A law should be passed liberal in its provisions inviting an honest and fair competition in this line; and I am of the opinion that if teamsters engaged in the transportation of freight were exempt from all taxes or licenses our people would profit by the change. This of course would only apply to those who are mere freighters, and not to those who combine the business of freighter and merchant.

Our isolated condition favors the policy of opening every avenue of travel and channel of commerce to the railroads and great depots from whence we draw supplies.

Every facility which wise and just legislation can secure to reduce and cheapen the cost of transportation to those who desire to come and settle among us, should be resorted to. The Census returns show a population of only 13,038 our first great need therefore is an increase of population.

Criminal Code

The Criminal Code should be amended so as to make highway robbery a capital offense. When the masked robber goes out on the mountain trail to wait and watch for his victims who will say he is not prepared to murder as well as rob? What is human life to him, if it stands between the muzzle of his shot gun and his booty? While public sentiment in many of the older states has softened on the question of capital punishment it is to be attributed more to the thickly settled condition of the country, the high state of civilization, and the greater certainty of the law, than to any desire to modify or relax the character of the punishment.

I would most respectfully suggest

to your honorable body the necessity of some stringent law to suppress the practice of carrying concealed weapons. I need not attempt to point out the deep and damning results of such a barbarous practice upon the moral status of the community; your own observation will more than convinced you of this growing evil. In my opinion the habit is one of criminal cowardice and the rigor of the law should abate the nuisance. The people of California and other States and territories on the Pacific Coast, have long since driven from their midst and from the peaceful avenues of life, the armed ruffian so long tolerated as an institution of mock chivalry. How many instances are there fresh in the minds of our own people, where the carrying of pistols and bowie knives has resulted in the killing of innocent and unoffending parties? Enough and by such means quarrels and assaults are brought about and precipitated; and helpless widows and orphans are made to suffer with the bitterness of regret the weakness and omission of the law while others equally sad and innocent linger in the twilight of hope, struggling to outlive the consequences of rash and desperate acts. I ask therefore for the passage of such a law — one that will effectually banish from the streets of our towns this vile practice; and while I have the honor to hold my present position I will take care that the law is faithfully executed.

Agriculture

Your attention is called to an act passed at the last session of the Legislature to incorporate a Territorial Agricultural Society and to appropriate money for its support. I have the honor to transmit herewith the report of the Secretary thereof, which report shows the defects of the present law, which should be remedied.

United States Assay Office.

This valuable public improvement is nearing completion in charge of Hon John R McBride Superintendent. Although the law authorizing its erection passed some two years ago nothing was done towards carrying it forward until the last summer. Its importance to the laboring miner in reducing the percentage exacted of him by bullion speculators and enabling him to ascertain at a reasonable cost, the true value of his gold dust will always make it a useful and beneficial institution for the Territory.

I congratulate the people on the prospect of its early completion. It is a handsome structure, built of the stone obtained near this City, and in accordance with plans designed by A. B. Mullett Esq., the able Supervising Architect of the Treasury Department under whose supervision it is done. This building will be, when finished the most valuable as well as the finest in the territory. It will be ready for operation by the time the mining season opens in the coming spring.

Penitentiary

The penitentiary authorized by Congress in 1867, located on the "United States Penitentiary Reservation" two miles from Boise City is being rapidly completed. The south wing containing cells for forty-two prisoners is finished and the building for warden's offices, guard room, dining room and

Kitchen, is in process of construction. The penitentiary will be in condition to be occupied some time during the month of Febuary or March, 1871. The building at present is under the absolute control of the United States and therefore any legislation on the subject must be be anticipation. A good and sufficient law was passed at the last session of the Legislature which amply provides for the government and safe keeping of the prisoners should the building be turned over to the Territory. Much credit is due to Hon. Thomas Donaldson, the United States Superintendent for the energy and good judgement displayed by him in its construction.

Judiciary

The salaries of the judges of the Territory are wholly insufficient. We have immense sums of money frequently involved in litigation especially in the mining region of our territory, and it is important that we have judges who are competent to discharge their duty; and in order to retain such the pay should be increased. While in the territory of Washington the expenses of living are not exceeding one third what they are in Idaho the pay of the judges of that territory is the same as that of Idaho. And it seems to me that a memorial to Congress pointing out the inequalities of the salaries would induce them to increase the pay of our judges to at least the sum of five thousand dollars per year which would make the pay here about equal to that in Washington Territory.

Per Diem and Compensation of Members

of The Legislature

Congress, by an act to disapprove of certain acts of the Legislative Assembly of Idaho Territory, and for other purposes approved July 13th 1870 cut off the extra pay and compensation allowed by law to members of the Legislature. While the law no doubt intended to benefit the territory and has to a very great extent, I think some injustice has been done; but while there may be a slight hardship felt in this respect the same Congress which has in most instances pursued a liberal course toward our territory will no doubt be eager to pass a law increasing the per diem of our legislature. I recommend that a memorial be passed and forwarded to our able and efficient delegate in Congress, Hon J K Shafer, asking Congress to increase the pay of members of the Legislature to the sum of Eight dollars per day. This in my opinion would be no more than simple justice.

Military Posts.

It is apprehended that the abandonment of the military post known as "Fort Boise" is in contemplation. I trust this intention will not be carried out. The history of the last eight years in Idaho shows that the presence of the United States troops at our military posts has been our only safeguard against the murderous assaults of the hostile Indians. The reservation system in Idaho Territory, at least in this portion of it is as yet but an untried experiment and I sincerely believe that if the troops are taken away and the post abandoned another Indian war will be inaugurated, in which the lives and property of our people will, in the future, as in the past suffer beyond redress. If your honorable body coincide with my views on this subject, I would advise a memorial or legislative petition to be prepared and sanctioned by legislative authority showing the facts in the case, and presenting the reason for the retention of the U.S. troops at Fort Boise, and forward the same to Major General Schofield the able Commander of the Division of the Pacific, under whose immediate jurisdiction we now are. I am confident it will receive the careful consideration of that distinguished soldier and good man.

The humane policy of the present administration towards the Indian tribes in this territory has accomplished much; but the short period since the ending of Indian hostilities has not been sufficient to cure the roving habits and stealing propensities of the Indians.

Our territory is not in a condition at present, nor can we expect or hope to be able for some years yet to effect an efficient militia system to serve and protect our interests in cases of emergency. Let us hope therefore, that the U.S. troops at Fort Boise will be retained.

The Insane

I ask your attention to the subject of an insane asylum. It seems to me to be a matter worthy of your consideration. This poor and unfortunate class of persons are often thrown upon the highway of life without friends or money, and therefore to become a charge upon the people and a severe burden upon the community.

Some means should be provided, upon an economical basis, by which the insane and indigent of the territory can receive the proper care and treatment a civilized people should bestow.

Rewards

The late United States Grand Jury of Ada County composed of intelligent citizens of our territory recommended that a law be passed by the legislature empowering the executive to offer a reward for the apprehension of criminals. Such a law might prove a great benefit to this territory. The avenues of escape are so numerous and the mountain fastnesses so propitious for concealment, that arrest and the capture of the guilty and criminal can not be made unless compensation or reward be provided by law therefor

Town Site

I call your attention to the fact that the General Government on the second day of May last issued to the Mayor of Boise City a patent to the town site of said City, and the same is now held by said Mayor in trust for the several use and benefit of the occupants thereof according to their respective interests. By an act of Congress approved March 2d 1867, it is made your duty to prescribe the mode of the execution of the trust by the Mayor so far as the disposal of the lots and the proceeds thereof is concerned. I am informed that a debt of thirty-seven hundred dollars has been incurred in procuring and settling the title to said town site which should be paid from the proceeds of the sale of lots. I trust that this matter will receive your early consideration as it is important that the occupants of lots in said City should be enabled to procure the fee simple title to their respective interests without unnecessary delay

The Reports

I have the honor to transmit herewith the reports of the various territorial officers consisting of the biennial report of the Territorial Treasurer of Idaho for the seventh and eighth fiscal years ending December 1st 1869 and December 1st 1870; also the biennial report of the Territorial Prison Commissioner for the seventh and eighth fiscal years ending November 30th 1869 and November 30th 1870. Also the report of the Territorial Controller for the years 1869 and 1870 with the report of the Superintendent of Public Instruction to all of which I invite your most scrutinizing attention

Conclusion

In conclusion gentlemen of the Council and House of Representatives our purpose should be to serve the interests of the whole territory keeping in mind the important fact that the legislative, judicial and executive form the three co-ordinate branches of the territorial system of government, each having its appropriate sphere jurisdiction and well known scope of legitimate power and authority. While I shall cautiously avoid doing any thing that might seem a trespass or innovation upon the functions of the legislative branch I shall guard and endeavor to protect with equal care the rights and powers of the Executive department from any encroachment that may be attempted from whatever source

That your deliberations may be guided by reason and judgement and the results of your labor prove a blessing to the people you represent is my sincere wish.

E. J. Curtis
Acting Governor of Idaho

Territory of Idaho
Executive Department
Boise City Dec 21st 1870

To His Excellency
The Governor of Nevada

Whereas from information duly authenticated from the officers of justice of County of Owyhee Idaho Territory now on file in this department, That Charles M. Kingsley and John Thomas Stand charged with the Crime of Grand larceny and that said Crime was Committed on or about the 27th day of October A.D. 1870 at and within the jurisdiction of the Territory of Idaho And that the said Charles M. Kingsly and John Thomas have fled from the said Territory of Idaho Are now fugitives from justice from said Territory and are now within the jurisdiction of said State of Nevada,

Now therefore in the name of the people of the United States in the Territory of Idaho and by the authority in me vested by the Constitution and laws of the United States and the laws of the Territory I do hereby respectfully demand and require of His Excellency the Governor of the State of Nevada That he cause the said Charles M. Kingsley and John Thomas the said fugitives from justice to be surrendered and delivered to the justice of the Territory of Idaho from which they have departed if within your jurisdiction

And do hereby Constitute and appoint B. F. Kee of Nevada or such person or persons as he shall deputize to act in the premises for the Territory of Idaho to receive the said John Thomas & Charles M. Kingsley and carry them back to said Territory to be delivered into the custody of the law in said Owyhee County I.T.

In testimony whereof I have hereunto set my hand and caused the seal of the Territory of Idaho to be affixed

Seal

Done at Boise City I.T. this 21st day of Dec A.D. 1870
E. J. Curtis
Acting Governor of Idaho

Governor's Veto No 1

Executive Department
Boise City December 19th 1870

Hon L. G. [illegible]
President of the Council — Sir: —

I herewith respectfully return to your honorable body Council Bill No 2 being an act to provide for the disposition of the lots in Boise City and of the proceeds thereof without my approval and assign the following reasons therefor.

1st The bill starts out with the creation and appointment of a Commission composed of two persons designated in the bill, whose duty it is to hear and take the proofs and applications of claimants owners and occupants of lots in the town site. The first objection to this Commission is, that as it has no power except to receive proofs it is cumbersome and useless. The Mayor could file the proofs as they are documentary and thus save the whole expense of the Commission.

2d The time is fixed at which the said Commission may enter upon their duty but I am unable to find any provision in the bill to limit the term of Commission. The labor of the Commission may terminate in three or six months; but there is nothing in the bill to prevent its continuation for two years. Each Commissioner is entitled to the sum of Six dollars per day for his services besides the actual cost of the plat.

3d The Commissioners are to hear the applications and report to the Mayor their doings within ten days after the completion of their duties under this act. Just when this would be is not indicated in the bill

4th In the case of adverse claims etc. the Mayor is precluded from acting in the case of the contestants until the parties shall have settled their title and adjudicate their rights in the courts having the jurisdiction to determine the subject-matter in dispute so that the owners occupants and claimants to lots in said town-site, are compelled to pass through the tedious and expensive circumlocution process of first going to the Commissioners; second to the Mayor, and third from the Mayor to the District Court the cost and charges of which are not innumerable. If A. should make his application to the Commissioners for lot 2 in block 3 and B from meanness or some worse motive should step forward and pass in a line of objections to A's title and ownership and claim title himself this would be sufficient to tie the matter up, because the Commission has no judicial power to settle the controversy or to order a deed to the rightful owner and close out the intruder. After some months the report of the Commissioners might perhaps reach the Mayor and after some further delay the Mayor might be able to enlighten the claimants as to the status of their case. By this time, if the parties failed to come together on a compromise, they would be apprised that an action of ejectment in the District Court was the only remedy left them.

Believing that your honorable body are only too anxious to do justice in this matter and that you will adopt some other more cheap and summary method by which the persons entitled thereto can procure deeds to their lots in said town lots.

I would most respectfully suggest that a bill short and explicit in its provisions be passed requiring the owners occupants and claimants to be and appear before the District Court at a special term thereof held for such purpose file their proofs and applications with the Clerk of said Court which would probably cost not over 50 cents. Thus on the day set for hearing the Court could pass on all cases wherein there was no contest by an order which would have the effect of a decree directing the Mayor to make the conveyance &c. Where an adverse claim had been put in, the Court could proceed to hear and try the same without further delay. Hundreds of cases may be disposed of by the general order of the Court where there is no conflict of title and the cost need be mere nothing. A special term of one week would be sufficient to dispose of the whole matter, and without unnecessary cost to the people.

E. J. Curtis
Acting Governor of Idaho

Governors Veto No 2.

Executive Department
Boise City I.T. December 23. 1870

Hon Wm A Gates
Speaker of House of Representatives
Idaho Territory

Sir:- I herewith return to your honorable body House Bill No 7. being an Act to Regulate proceedings in Civil cases in the Courts of Justice in the Territory of Idaho approved December 15th 1864 and the Act amendatory thereof approved January 15th 1869 without my approval and state the following reasons therefor

Our Courts are created and organized for the purpose of protecting and enforcing the rights of the Citizens and administering justice. In order that the Judges may transact any business at law out of Court at Chambers requires some express provisions of the statutes. The object of such statutory provisions is to facilitate business and afford the citizen a speedy remedy for wrongs done or attempted to be done either to his person or property. In many of the Counties in this Territory there is but one term of District Court held annually and in no County is there more than two terms hence in order to afford all full and ample protection the Legislative Assembly of this Territory at its first Session - Section 617 Civil practice Act 1st Session laws page 211 - gave the District Judges power to try and determine sundry matters at Chambers and specially gave the Judges authority to try and determine writs of Mandamus Certiorari and quo warranto. This statute was copied from that of Nevada of 1861. The same statute was re-enacted at 2d Session - page 193, laws of 2d Session Section 617 and after an experience of five years the legislature amended — Laws of 5th Session page 90 amending the statute enlarging said jurisdiction at Chambers adding thereto authority to hear and dispose of motions for new trials.

Section 25 of the California Judiciary Act — Hittell page 214 — is in substance the same as Section 617 sought to be amended by the bill before me and it is provided by the California act that at Chambers the judges may grant writs of mandamus certiorari and issue warrants and hear and dispose of such writs.

The Nevada Legislature at the first session under their State Constitution reenacted the statute in question which is in substance the same as the Idaho statute as amended at the 5th Session — Laws of Nevada 1864-5 page 113 Section 20.

The habits and occupation of the people of Idaho are much the same as those of California and Nevada. Our mining laws and customs, and in fact our whole system of jurisprudence is built upon and copied from that of California a large majority of our people have been at some time residents of that State. The law sought to be amended has come to us from California sanctioned by the experience of years and construction by sages of the law based in my opinion upon sound reason.

It is the duty of the Legislature to so provide that justice may be speedily administered. The citizen should have right to know at once who are the legally elected Officers and an action of the nature of quo warranto has to be brought to determine such questions

The experience of the best lawyers and Judges on the Pacific Coast for years has said that the writ of quo-warranto should be issued and determined by the Judge at Chambers. Is there any reason for the passage of this bill? Why not take from the Judges at Chambers all power and authority to issue writs of Mandamus Certiorari and injunction, prevent them from hearing motions to attachment or to make any orders at Chambers whatever,

There can be no reason assigned for taking from the Judges the power stated in this bill that will not apply to each and every act set out in section 617.

The result of such legislation will be to deprive the citizens of a speedy remedy in such case and in as much as there can be no doubt but that full and complete justice can be done as well by the Judge at Chambers relative to the matters in question as in open Court. I see no reason why the bill should become a law

E. J. Curtis
Acting Governor of Idaho Terr

Governors Veto No 3

Executive Department
Boise City I.T. Jany. 12th 18

Hon W. A. Yates Speaker,
of House of Representatives I.T.

Sir,

I herewith return to your Honorable body bill No 44, entitled "An act prohibiting Federal officers from holding Office under the laws of this Territory or receiving any Salary or compensation from the Territory or any County thereof," without the Sanction of the Executive.

Recognizing the necessity that impels me to do so I proceed to lay before your honorable body the reasons for withholding Executive approval.

The Government of this Territory is the creation of Federal authority.

It derives its existence and its powers from the national fountain.

Propriety alone would therefore suggest that any attempt to exercise the authority given us, in a manner offensive to the authority that supports and sustains our local government should be carefully avoided. To insult the authority of the United States in the person of its officers by such legislation as that proposed in the bill before me is to add the sin of ingratitude to the violation of duty.

That it may lead to further restrictions upon the powers of the Territory by the Federal authority thus discourteously treated, is not by any means its worst feature.

The Organic act Sec. 8, provides that no person holding a Commission or Appointment under the United States except postmasters shall hold any Office under the government of the Territory

This provision shows the extent to which Congress intended to go in this direction and any attempt to go further by the Territorial authority and impose restrictions on Federal officers not imposed by Congress is a usurpation as well as an insult to the authority to which we owe our existence

For years the Legislature of this territory had provided by law for the payment of additional salaries to the members of that body, and also to many Federal officials. Congress has relieved the people of Idaho of this burden by prohibiting all such salaries; but the Legislature proposes now to not only reverse their formerly liberal course but to make Federal officials a class of citizens with disabilities that do not apply to any other. By this bill a load of Cord wood could not be sold by a person holding a Federal Commission to any County or Territorial authority without incurring a penalty that may send him to the Territorial Prison. A dollars worth of stationery sold by a man holding the appointment of Deputy Internal Revenue Collector to a county clerk would not be paid for except at the risk of an indictment which may be found by a grand jury in the County or District where the offenders residence is in Owyhee

If one of the owners of a saw mill should be unfortunate enough to hold a petty appointment under the Government of the United States and should sell one of our Counties a bill of lumber to build a Court house he is to be prohibited from receiving pay by a penalty that would import a grave offense.

I cannot believe the Legislature actually intended to pass any such law.

The second section to the act I am considering is as follows: 'The Territorial Auditor and each and every County Auditor or Board of Commissioners are hereby prohibited from auditing any Claim or Claims or drawing any warrant in favor of any person holding a Commission or appointment under the United States and any Claim so audited or warrant so drawn shall be null and void and the Territorial and County Treasurers are hereby prohibited from paying the same.'

If the object of this bill is to prevent the payment of money to Federal Officials for services rendered the United States then it is unnecessary, for Congress, in the act of June 1874 made already ample and liberal provision for such payment. If the object is to prevent payment to Federal officials for services rendered to the Territory or any Counties it is in direct violation of the laws of Congress.

The act of Congress passed June 14th 1858 the Judges of the Supreme Court of each Territory are authorized to hold Courts in each and every County in each Territory, provided that the expenses thereof shall be borne by the Territory or by the Counties in which said Courts may be held. The Territory under this act may refuse to pay the expenses but the same authorizes the various Counties to pay them and the Legislative Assembly cannot prohibit a County from doing what Congress has expressly said it may do. The Territory may speak for the Territorial Treasury but under this law the Counties may decide each for itself as to whether it will have Courts and bear the expense thereof or not. If such a law were binding it would deprive every County in the Territory except three of the benefits of Courts. Officers would refuse and properly, to hold courts at their own expense, and the people and the cause of justice would suffer, instead of the officials who are the objects of hostility.

The Legislature has the same right to provide that every man born east of the Rocky Mountains shall be prohibited from drawing money from the territorial or any County Treasury as to prohibit any Citizen who holds a Federal Commission from doing so. The day of discrimination and disabilities among citizens is passing away and instead of legislation to keep up class and impose penalties the utmost liberality and equality is recognized as the true standard on the subject.

The act provides by its fourth section that any person guilty of a violation of its provisions may be indicted in any district in the Territory; and that for the purpose of indictment and conviction the three judicial districts of this Territory shall be considered but one district.

Under the Organic Law of this Territory (which every member of the Legislative Assembly jointly with myself swore upon entering on his duties to support) the judicial districts of the Territory are three in number and are to be defined not by the Legislative authority, but by the judicial. Congress declares that there shall be three judicial districts in the Territory. This act says there shall be but One. Congress declares the Judges shall define these three districts and assign the judges. This act defines the Territory as one and authorizes one judge to invade the jurisdiction of the other two.

A more palpable violation of the fundamental law could not be imagined. And what great evil is to be met by this sort of legislation.

The drawing of Federal Officials being quartered upon our local treasuries has been almost entirely abolished by Congress itself. We paid willingly for a number of years to Federal Officers a stipend which this bill makes a felony. That which was once the fixed policy of Idaho extra Compensation to poorly-paid Federal Officials has suddenly when it has almost ceased to exist been transformed into a grave crime.

The Clerk of the Supreme Court buys stationery for his Office, he presents his bill to the Judges or to the Chief Justice which is Certified to; he presents it to the Controller and gets his warrant and goes to the Treasurer and receives his money. Under this bill he may be complained against, indicted in Lemhi County, arraigned, venue changed to the County of Owyhee seven hundred miles away, and there tried, convicted and sent to the penitentiary for the infamous offence of buying three dollars worth of stationery at the expense of the Territory which alone has any interest in supplying his office and in his receiving money.

I can not conclude that the Legislative Assembly had deliberately intended to enact such a law as this purports to be. It is an insult to Federal authority, a violation of the Organic Act and the laws of Congress and has for its support neither reason nor necessity.

If enacted it will disgrace us abroad and be the sneer and by-word of all just-minded people at home. It could not and would not be administered by the Courts and would remain simply as a monument of hasty and inconsiderate legislation.

E. J. Curtis
Acting Governor of Idaho

Governor's Veto No 4

Executive Department
Boise City I.T. January 13th 1871

Hon Wm A Yates Speaker
of Assembly I.T.

Sir:—

H. B. No 47 entitled An Act to establish a Common School System and to provide for the maintenance and Supervision of Public Schools, is respectfully returned to your honorable body without my Approval and the following reasons assigned therefor.

Nothing but the demands of imperative duty could induce me to do this but trusting that my reasons may commend themselves to your judgment, I adopt this course with less pain than I should otherwise feel. I take pleasure in saying that the bill is in its general arrangement and main features an honor to the Legislative Assembly; and could I with conscientious regard for my Official oath and duty sacrifice my judgment and approve this bill, I would cheerfully do so as I look upon it as a most needed and great improvement on the existing law.

Plainly stated my insuperable objection to this bill is, that it makes a distinction between classes on account of color and race that I cannot sanction.

I do not believe that there is any class or race of people in this free land so low or humble that they should not receive the benefits of an education. I believe that the means of mental improvement should be provided for all rich or poor high or low white or black.

If the black race is ignorant it only needs education the more. If it is debased it the more requiring the means of education and be thereby fitted for those duties which the law imposes upon it and which neither learned or unlearned intelligent or ignorant of it must in some manner discharge.

I call your attention to the fact that by the Constitution of the United States and the laws enacted under it all distinctions of political and personal rights between Citizens of the United States on account of race or Color are abolished. Leading statesmen of all political parties in the late slave States join heartily in the endeavor to enlighten the blacks through the medium of Common Schools, and the exclusion of them from the benefit of Schools while they are taxed for their support is an injustice which for the credit of our young Territory, may I hope not be perpetrated.

Such laws have disappeared from the Statutes of every State in the Union; Shall Idaho signalize herself by perpetuating a distinction which can nowhere be found in the Statutes of our land except within her own limits. I earnestly hope not. I would have the means of education showered upon the rising generation as freely as the sunlight falls around us. Let the stream of intelligence flow without money and without price to every Child born among our Mountains so that every man may be drinking always at the fount whether his hair be blond or black curled or straight, whether his parents were free or slaves in this land or any other.

I should be false to the age in which we live to the fundamental law of the land and my own Convictions if I did not as earnestly as I can urge upon you these Considerations.

Trusting that we may be able to unite on a measure which shall reflect credit on the Territory and secure the object at which we all agin, I re submit the bill to your honorable body

E. J. Curtis
Acting Governor of Idaho

Governor's Veto Mes.

Executive Department
Boise City I.T. Jany 12th 1871

Hon. [illegible]
President of Council I.T.

Sir,

In the discharge of my duty as Executive it devolves upon me to return to your honorable body, Council Bill No 12 entitled an act to amend an act entitled an act defining the duties of Territorial Treasurer, Approved December 16th 1864, without my approval.

As a rule when a proposed law involves only a question of expediency, I have felt it but a proper deference to the Legislative Assembly, to yield my own views and approve acts which do not wholly meet my judgment.

But in this case, I feel not only justified but I think the duty I owe to the public requires that I should state that the proposition contained in this act to cut down the compensation of one of the most responsible officers if not entirely the most responsible, to one thousand dollars per annum is so utterly at variance with every sense of right that I feel called upon to enter my protest against it.

That the salary has hitherto been high is no reason for such extreme and unworthy parsimony. A reasonable reduction ought to be made and I should sanction such an one with pleasure, but to fix such a compensation as the one required in this bill when the bond is very heavy and the responsibilities so grave as attach to the Treasurer's Office is to my mind unreasonable and unjust

The people do not demand of Officers that they should serve them at a sacrifice of either money or self respect, while it is our duty to provide that men shall not grow rich by reason of holding Office.

This bill goes from the extreme high salaries of flush times, to the opposite one of pinching parsimony. I regret that my view of what is just to the public and the Office in question compels me to return this bill without approval.

Respectfully
E. J. Curtis
Acting Governor of Idaho

Governor's Veto

Executive Department
Boise City January 12th 1871

[illegible]
President of Council

Sir:

[illegible] herewith return to your honorable body [illegible] [illegible] [illegible] Counties of the Territory of Idaho [illegible] the Council [illegible] The [illegible] Council & the Representatives or members of the [illegible] Assembly as contained in the bill before me is not in accordance with the [illegible] nor is it within the letter and spirit of the 4th Section of the Organic Act of Idaho, to which I call your particular attention. The No. of Councilmen as limited by the Organic Act is 13 — Now if you divide total vote (4724) by 13 you have One Councilman to every 363 votes — Boise County polled 1557 votes which would entitle her to 4 four members of the Council with 105 votes over.

I would also refer you to the Controller's Report page 41 as to the vote of the different Counties — It would give me the greatest pleasure to sign this bill and secure to Ada County more representatives if I could do so without doing other Counties and portions of the Territory injustice.

Respectfully
E. J. Curtis
Acting Governor of Idaho